

Art Unit: 1759

DETAILED ACTION

Allowable Subject Matter

1. Claims 5,6,9-11,15-17,20-26,28,30-,31,34-35,38,42-47,50-52,55--56,61-65,68-73,75-76, 79, 86-87,90,91,93-94,97-112,143,146-148,150,152,153,162,164,165, and 185-194 are allowed.

2. The following is an examiner's statement of reasons for allowance: this application was previously allowed by a Notice of Allowance mailed on August 19, 2011. Subsequent to that Notice of Allowance Applicant filed a Request for Continued Examination without amending claims, only providing a new Information Disclosure Statement ("IDS"). The prior art cited on this new IDS does not affect the patentability of the claims. The Examiner would like to note that the pre-grant publication of the instant application, US 2009/0139867 A1, is the basis for all of the prior art rejections, which are under 35 U.S.C. 103(a), in the Office action dated August 19, 2011 for application 11/815,760, which is cited on the IDS. Similarly, the pre-grant publication of the instant application, US 2009/0139867 A1, is also the basis for the rejections under 35 U.S.C. 102(e) in the Office action dated December 27, 2010 for application 11/815,760, which is also cited on the IDS. Austin et al. US 6,824,664 B1 ("Austin"), which is the basis of

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the remaining prior art rejections, which are under 35 U.S.C 102(b) and 35 U.S.C. 103(a), in the Office action dated December 27, 2010 for application 11/815,760, does not disclose having (or means for having) the time-varying driving field and mobility-varying field applied simultaneously as required by all of the independent claims in the application to which this Office action is directed. In Austin either the driving field, a DC field, which is not time-varying, is applied first and *then* the mobility varying field, which is an AC field is applied, or a constant driving field, hydrodynamic pressure, is applied continuously and at some time the mobility varying field, which is an AC field is applied. See col. 16:41 – col. 18:64.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALEX NOGUEROLA whose telephone number is (571) 272-1343. The examiner can normally be reached on M-F 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, JEFFREY BARTON can be reached at (571) 272-1307. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Alex Noguerola/
Primary Examiner, Art Unit 1759
October 24, 2011